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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/630,058 | 07/30/2003 | Warren E. Guthrie | LEAR 04013 PUS / 04013 | 8189 |

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| EXAMINER |
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TRAN, TUAN A

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| ART UNIT | PAPER NUMBER |
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2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/17/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/630,058

Applicant(s)

GUTHRIE ET AL.

Examiner

Tuan A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2,8,17,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema et al. (5,854,593).

Regarding claims 1, Dykema discloses a vehicle-based control system (See fig. 1) for use with a barrier operating system comprising a motor 66 for opening and closing a barrier, a receiver in communication with the motor 66, and a remote transmitter 65 for transmitting an activation signal, the activation signal comprising a radio frequency carrier signal with a code word, the activation signal for receipt by the receiver for use in activating the motor to open and close the barrier (See col. 5 lines 25-49), the control system comprising: a transceiver 58 to be mounted in a vehicle and configured to receive a plurality of radio frequency carrier signals and transmit an activation signal for receipt by the barrier operating system receiver 66; a controller 57 to be mounted in a vehicle in communication with the transceiver 58 and a user input device 44, 46, 47, the controller 57 configured to store the plurality of received radio frequency carrier signals in a digital radio frequency memory, receive user input identifying an activation scheme having at least a variable code word format associated

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therewith (See fig. 8A and col. 13 lines 52-65), and in response to user input, generate a variable code word based on the identified activation scheme, select one of the plurality of stored radio frequency carrier signals from the digital radio frequency memory based on the identified activation scheme and transfer the selected radio frequency carrier signal to the transceiver, and control the transceiver to transmit an activation signal comprising the selected radio frequency carrier signal modulated with the generated variable code word (See fig. 8A and col. 15 lines 23-51, col. 5 line 51 to col. 6 line 27).

Claims 13-15 are rejected for the same reasons as set forth in claims 1, as method.

Regarding claim 3, Dykema discloses as cited in claim 1. Dykema further discloses the controller 57 is further configured to receive an indication whether the activation signal transmitted by the transceiver 58 successfully operated the barrier operating system (See col. 6 lines 45-59).

Claim 16 is rejected for the same reasons as set forth in claim 3, as method.

Regarding claim 4, Dykema discloses as cited in claim 1. Dykema further discloses the plurality of radio frequency carrier signals are received by the transceiver 58 and stored by the controller 57 in the digital radio frequency memory in a system set-up mode (See col. 6 lines 14-27).

Regarding claim 5, Dykema discloses as cited in claim 1. Dykema further discloses the user input device 44, 46, 47 comprises at least one button (See col. 5 lines 25-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. (5,854,593).

Regarding claim 6, Dykema discloses as cited in claim 1. However, Dykema does not mention that the user input device is a touch-screen display. Since the touch-screen display is widely known in the art as a specific type of input devices; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch-screen display as a user input device for the advantage of expanding the capability of the system to various types of input devices.

Allowable Subject Matter

4. Claims 2, 8, 17-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claims 2 and 8, Dykema discloses as cited in claim 1.

However, Dykema does not mention that the controller is configured to sample the carrier signal of the received activation signal.

Claims 17-18 and 20 are objected for the same reasons as set forth in claims 2 and 8, as method.

5. Claims 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 10-12, Dykema discloses as cited in claim 1. However, Dykema does not mention that the controller is configured to sample the carrier signal of the received activation signal using the DRFM and transfers the sampled carrier signal from the DRFM to the transceiver.

Response to Arguments

Applicant's arguments see Remark (page 3), filed 10/10/06; with respect to claim 10 have been fully considered and are persuasive. The finality of the rejection of the last Office Action has been withdrawn.

The Applicant argued that Dykema does not teach or suggest storing RF carrier signals in a DRFM (See Remark, page 2). The Examiner respectfully disagrees with the Applicant because the limitation "store the plurality of received radio frequency carrier signals", as recited in claims, is not narrow enough to prevent numerals indicative of the carrier signals from being stored as disclosed by Dykema.

The Applicant argued that Dykema does not teach or suggest selecting one of a plurality of stored RF carrier signals from the digital radio frequency memory based on the activation scheme identified from the user input to transfer to the transceiver for the transceiver to transmit an activation comprising the selected RF carrier signal modulated with a variable or fixed codeword (See Remark, page 2 third paragraph). The Examiner respectfully disagrees with the Applicant's argument because Dykema does suggest a controller, upon detecting that one of switches 44, 46 and 47 has been depressed (receiving user input or user activation), reads the channel corresponding with the switch that has been pressed (selected channel corresponding to the user's activation) (See fig. 8A and col. 13 lines 52-65) and determines whether the selected channel has been trained, wherein during the training sequence, RF carrier signals associated with codes (fixed or variable) corresponding to switches 44, 46, and 47 respectively are down-converted, sampled, and stored in the memory as numerals indicative of the carrier signals (See col. 11 lines 15-24, col. 17 line 64 to col. 18 line 9). If the selected channel has been trained, the stored data (ASK data) associated with the selected channel is read from the memory (one of a plurality of stored RF signals is selected based on user input) (See col. 13 lines 62-65) and is up-converted by the VCO 73 of the transceiver (transfer to the transceiver) (See fig. 6A and col. 11 lines 15-24) to the RF carrier signal corresponding to the switch that has been pressed to be transmitted to the receiver of the garage door (transmit an activation signal comprising selected RF signal with variable or fixed code) (See col. 15 lines 23-51).


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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